

Mini-Mock Trial Manual

Student Handout: MOCK TRIAL PROCEDURE

Participants:

- ◆ Judge
- ◆ Prosecution attorneys
- ◆ Defense attorneys
- ◆ Jury
- ◆ Representatives of the media (sketch artists, reporters)
- ◆ Bailiff
- ◆ Witnesses for prosecution/petitioner
- ◆ Witnesses for defense

Opening of Trial:

Bailiff: "Please rise. The Court of _____ is now in session, the Honorable _____ presiding."

Everyone remains standing until the Judge is seated.

Judge: "Ms./Mr. _____ (Bailiff's name), what is today's case?"

Bailiff: "Your Honor, today's case is _____."

Judge: "Is the prosecution ready? Is the defense ready?"

Attorneys: "Yes, your Honor." (Always say "your Honor" when speaking to the judge.)

Trial Procedure:

1. Opening Statement - prosecution/plaintiff attorney introduces himself or herself and states what their side hopes to prove. Being with "Your Honor, members of the jury," then state what the facts on your side will show and ask for a verdict in favor of your side.

Defense attorney then says, "Your Honor, members of the jury," introduces himself or herself and explains the evidence on his or her side that will deny what the other side is attempting to prove. Ask for a verdict of not guilty (criminal case) or for the defense (civil cases).

Attorneys: "Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case. We intend to prove _____"

Please find _____

2. The Oath - All witnesses are sworn in before they begin answering questions. This is to remind them that they must tell the truth.

Bailiff: "Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?"

3. Direct Examination - prosecution/plaintiff calls it's first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words. Witnesses may make up answers to questions that are not included in the witness statements or the witnesses may say "I don't know."

BAILIFF/COURT CLERK

Your role is to:

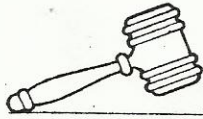
1. Reads the charges against the defendant
2. Announce that court is in session.
3. Swear in witnesses.
4. Keep order in the courtroom
5. Keep an eye on the jury so that they are not tampered with.

REPORTERS/SKETCH ARTIST

Your role is to:

1. Create a profile for yourself: name, age, gender, ethnic background, political association, name of your media outlet (newspaper, magazine, TV station, radio station...).
2. Keep note on pre-trial and trial proceedings.
3. Generate a news article/report about the proceedings

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Suggestions for questions:

How do you know the defendant?

What do you know about the case?

What happened?

What do you remember?

What happened next?

Remember to ask questions that will let the witness tell the complete story.

?? ? Your Questions ? ? ?

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4. **Cross Examination** - defense/respondent attorney questions witnesses for the other side to try to prove that the witness is lying or can't remember. For example, the lawyer may ask "Isn't it true that you really couldn't see because it was almost dark outside?"

Suggestions for questions:

Isn't it true that.....

If possible, ask questions that call for a yes or no answer.

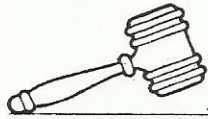
?? ? Your Questions ? ? ?

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5. After all the prosecution/plaintiff witnesses have been questioned and cross-examined, the defense calls its witnesses and questions them under direct examination. Then the prosecutor/plaintiff cross-examines.

6. **Closing Argument** - each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. In a criminal case, prosecution asks the jury to find the defendant guilty.

Defense asks the jury to find the defendant not guilty.



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Attorneys: "Your Honor, members of the jury, today you have heard testimony about _____

I would like to remind you of some important information that you should consider in your decision. These facts include _____

Please find _____

7. Jury Deliberation - after hearing the judge's instructions, the jurors meet to decide guilty or not guilty (criminal case) or to find for the plaintiff or defendant (civil case), and then gives their decision to the judge.

Objections

Any attorney may object to a question or the admission of an exhibit. The judge will usually ask the person objecting "on what rule of evidence are you relying?" Then the judge either *sustains* the objection preventing the evidence from being introduced or *overrules* the objection allowing the question or exhibit to be admitted as evidence.

Reasons for objections (also known as *grounds for objection* or the *Rules of Evidence* being relied upon);

Leading questions:

Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses.

Immaterial and irrelevant: The information is not closely related to the case, and is therefore not important.

Opinions and conclusions: Unless the witness is an expert, (such as a doctor testifying about medical issues, he or she should not give professional opinions or conclusions.

Nonresponsive answer: The witness is not answering the question asked.

These are only a few objections. They are probably the most common ones used. They will adequately serve your needs.